

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

12-mc-00115 (JSR)

In re:

MADOFF SECURITIES

**DECLARATION OF NOWELL D. BAMBERGER IN SUPPORT OF  
CONSOLIDATED MOTION TO DISMISS THE TRUSTEE'S CLAIMS  
AGAINST BLMIS CUSTOMERS AND OTHERS THAT ARE  
PRECLUDED BY SECTION 546(e) OF THE BANKRUPTCY CODE**

I, Nowell D. Bamberger, declare that the following is true and correct to the best of my knowledge and belief:

1. I am a member of the Bar in the State of Maryland and the District of Columbia and am an associate at Cleary Gottlieb Steen & Hamilton LLP, attorneys for Thybo Asset Management Limited, Thybo Stable Fund Ltd., and certain other interested parties. I submit this declaration in support of the above-referenced Consolidated Motion to Dismiss to place before the Court certain documents relevant to that motion.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Second Amended Complaint in Picard v. Thybo Asset Management Limited, Adv. No. 09-1365 (BRL); 11 Civ. 7675 (JSR).

3. Attached hereto as **Exhibit B** is a true and correct copy of the complaint in Picard v. HSBC Bank PLC, Adv. Pro. No. 09-1364 (BRL); 12 Civ. 3401 (JSR),

4. Attached hereto as **Exhibit C** is a true and correct copy of the Second Amended Complaint in Picard v. Cohmad Secs. Corp., 12 Civ. 2676 (JSR)

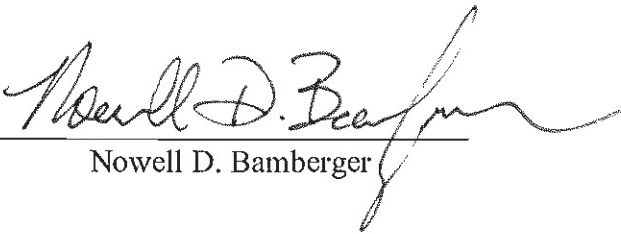
5. Attached hereto as **Exhibit D** is a true and correct copy of the transcript of oral argument held in Picard v. Katz, 11 Civ. 3605, on August 24, 2011.

6. Attached hereto as **Exhibit E** is the Trustee's Supplemental Memorandum of Law in Opposition to Defendants' Motion to Dismiss in Picard v. Thybo Asset Mgmt. Ltd., Adv. Pro. No. 09-1365 (BRL), Dkt. No. 43 (Bankr. S.D.N.Y. filed Dec. 2, 2011).

7. Attached hereto as **Exhibit F** is the Trustee's Memorandum of Law in Opposition to Blumenthal's Motion to Dismiss in Picard v. Blumenthal, 11 Civ. 4293 (JSR), Dkt. No. 23 (S.D.N.Y. filed Dec. 2, 2011).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 27, 2012  
Washington, D.C.

  
Nowell D. Bamberger